

## REMARKS

### STATUS OF CLAIMS

Claims 21, 22, 25, 27, and 29 have been amended.

No claims have been cancelled, added, or withdrawn herein.

Note that Claims 3-5, 7-8, 10, 13-14, 16, and 18-19 were previously cancelled

Claims 1, 2, 6, 9, 11, 12, 15, 17, and 20-45 are currently pending in the application.

### PRELIMINARY ADMINISTRATIVE MATTER RE: IDS FILED ON April 25, 2006

On April 25, 2006, the Applicant filed an Information Disclosure Statement (IDS), for which the Form 1449 lists seven references (six U.S. patents and one published U.S. patent application). As indicated on the returned postcard, the Office received this IDS on April 27, 2006. The Applicant has confirmed via PAIR that this IDS is included in the Image File Wrapper for this application with a date of April 27, 2006.

To date, the Applicant has not received a copy of the Form 1449 for this IDS with the Examiner's initials, signature, and date to indicate that the references on this IDS have been considered. Given the April 25, 2006 filing date of this IDS and the October 26, 2006 mailing date of the present Office Action, the Applicant would have expected this Form 1449 to have been returned with the present Office Action. However, the present Office Action did not include this Form 1449, nor does the Office Action Summary page indicate at the bottom that an IDS Form 1449 was included.

The Applicant respectfully requests that an initialed, signed, and dated copy of this Form 1449 from the April 25, 2006 be returned to the Applicant with the next communication from the Office.

### INTERVIEW SUMMARY

The Applicant thanks the Examiner for the Interview conducted on September 4, 2007. The interview was between Examiner Yalew and the applicant's attorney, Craig G. Holmes. Pending Claims 21 and 22 that were rejected or objected to in the Office Action were discussed along with U.S. Patent No. 6,684,331 issued to *Srivastava*. In particular, the

discussion focused on the following: the 103 rejections of Claims 21 and 22, the different perspectives among Claims 1, 21, and 22, and the Applicant's proposed amendments to Claims 21 and 22. Agreement was reached. The Applicant is providing herein the amendment that was proposed during the interview.

#### SUMMARY OF THE REJECTIONS/OBJECTIONS

Claims 21, 22, 25, 27, and 29 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent Number 6,684,331 B1 of Srivastava (" *Srivastava* ") in view of U.S. Patent Number 6,330,671 B1 of Aziz. (" *Aziz* "). The rejections are respectfully traversed.

Note that Claims 1, 2, 6, 9, 11, 12, 15, 17, 20, 23, 24, 26, 28, and 30-45 have been allowed.

#### RESPONSE TO THE REJECTIONS UNDER 103(A) OF CLAIMS 21, 22, 25, 27, AND 29

Claims 21, 22, 25, 27, and 29 have been rejected under 35 U.S.C. 103(a) for allegedly being obvious based on at least *Srivastava* in view of *Aziz*.

However, under 35 U.S.C. 103(c)(1): "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Pursuant to MPEP 702.02(l)(2)(II), the Applicant provides the following statement of common ownership:

**Application 09/996,948 and the subject matter of U.S. Patent 6,684,331 B1 were, at the time the invention of Application 09/996,948 was made, owned by Cisco Technology, Inc.**

Because *Srivastava* cannot be used in a 103(a) rejection per 103(c) and because none of Claims 1, 2, 6, 9, 11, 12, 15, 17, and 20-45 are disclosed, taught, suggested, or obvious in view of *Kocher* alone, or in view of *Aziz* plus any of the other prior art cited in previous Office Actions, either alone or in combination, the Applicant respectfully submits that Claims 21, 22, 25, 27, and 27 are allowable over the prior art and are in condition for allowance.

## CONCLUSION

The Office Action acknowledges that Claims 1, 2, 6, 9, 11, 12, 15, 17, 20, 23, 24, 26, 28, and 30-45 are directed to allowable subject matter.

The Applicant believes that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. After entry of the amendments, further examination on the merits is respectfully requested.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

To the extent necessary to make this reply timely filed, the Applicant petitions for an extension of time under 37 C.F.R. § 1.136.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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